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SENSITIVE  
SIPDIS

STATE FOR NEA/ARP; EEB/IPE; STATE PASS USTR JASON BUNTIN

E.O. 12958: N/A

TAGS: EIND EINT ETRD KU

SUBJECT: DRAFT COPYRIGHT LAW IN REVIEW, MAY CLEAR BY  
DECEMBER

¶1. (SBU) On Sept. 7, Econcouns met with Shaker al Saleh, Assistant Undersecretary, Commercial Registration and Trademarks and Sheikha Rasha al Sabah, Director for IPR, Ministry of Commerce and Industry, to discuss the status of the revised copyright law. Econcouns pressed both for a timeline on when revisions would be completed and offered to facilitate expert-level consultations with USTR, via teleconference or videoconference, to discuss any questions that the GoK might have about USG comments on the law. Econcouns commended GoK's improved enforcement actions on copyright violations, but observed that Kuwait's outdated IPR laws contributed to its position on the Special 301 Watch List. Sheikha Rasha reiterated her intent to bring the copyright law into full TRIPS compliance, but noted that USTR's suggested additions to the draft law exceeded TRIPS requirements and referenced treaties to which Kuwait is not yet a signatory. Econcouns noted that these changes could help promote closer trade ties in the future.

¶2. (SBU) Sheikha Rasha stated that she hoped to be able to finish the revised law and forward it to the Ministry of Justice for review by December. She said she preferred to wait until after the Ministry of Justice review before scheduling any consultations with USTR, but offered to share the revised draft again with the USG. Al Saleh noted that the Ministry of Foreign Affairs is currently reviewing Kuwait's accession to the Paris, Madrid and Bern conventions, and that his immediate priority is for Kuwait to join the Paris Convention. Sheikha Rasha asserted that she is currently exploring the option to suspend for a minimum of six months the commercial licenses of companies that repeatedly violate copyright laws.

¶3. (SBU) Comment: Given Sheikha Rasha's response, post believes further engagement, on the copyright law specifically, until the draft has cleared the Ministry of Justice would likely prove counter-productive. We will be following-up with MFA on the three IPR conventions and would welcome any guidance that can be used with regard to them. Sheikha Rasha's exploration of using existing administrative authorities to seek to revoke the commercial licenses of firms engaged in egregious copyright violations is encouraging. Such a measure would give more teeth to IPR enforcement in Kuwait, but even if existing authorities can be interpreted to allow revocations - by no means a sure thing - actually implementing such a measure can predictably be expected to face opposition from some commercial quarters in Kuwait. End Comment.

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JONES